

Harpswell Planning Board Meeting
Minutes of March 20, 2002 Approved 4/17/02

The meeting was called to order by Chairman James Henderson at 6:35 p.m. at the Harpswell Community TV Building, Mountain Road, Great Island. Other members present introduced themselves: Dorothy Carrier, Howard Nannen, John Papacosma, Don Rogers, and associate member Robert White. Also present was acting recording secretary Kathe Chipman. All present then gave the Pledge of Allegiance. The meeting had been advertised in *The Times Record* and was recorded and broadcast live on Harpswell TV.

Henderson appointed White as a voting member for the meeting. He announced that Linda Toothaker had submitted a letter of resignation from the Board and thanked her for her years of participation.

1. Minutes of February 20, 2002 were reviewed and accepted as drafted, with four tiny amendments. Motion by Rogers, seconded by Nannen. **Carried, 5-0.**

2. Larry Crooker, Estes Lobster House, Inc., Site Plan Review (Change of Use), Shoreland Business, Tax Map 18-108, Harpswell Neck Road (Rt.123), Harpswell (Return from the 1/16/02 meeting) Henderson noted that planner Jeremy Hatch, who had recently resigned his town position, had expected to attend this evening's meeting as a consultant, but was unable to due to the inclement weather. He noted that no one was present to present the application, so no substance of this would be discussed at the present meeting. Members then discussed procedural aspects of the application, including article 6 #4C (expiration date clause). As many points still have to be developed in this application and it had not yet been accepted as complete, there was no bar to tabling this item tonight. White moved to table until the next regular meeting, in April; seconded by Nannen. Henderson requested that more advance notice is needed for any other tabling of this agenda item, and spoke of the 100-day limit after a first presentation to the Board. Nannen referred to the Bylaws and what constitutes a complete application and explained that the application is incomplete at the present and will be seriously considered at the next meeting, due to the 100-day limit. **Motion to table carried, 5-0.**

3. William French, Reconstruction of a Non-Conforming Structure, Commercial Fisheries, Tax Map 50-05, Harpswell Islands Road (Rt.24), Harpswell As no one was present yet to represent the applicant, White moved to table this item until later in the meeting; seconded by Rogers. French arrived at this moment, having been delayed en route due to slippery road conditions. Henderson moved to reconsider the application; White seconded. Nannen moved to withdraw the previous motion; White seconded. **Carried, 5-0.**

Henderson opened by noting that the issues are of volume and setback. Bill French explained the circumstances of his proposal, including the purchase of a tiny strip of land from an abutter and the need to take the present non-conforming cottage and either swing it around, keeping it within the building envelope and adding a full foundation, ledge permitting, or use the 30% increase allowed to expand. The application packet included the 1980 septic plan, the 2002 warranty deed, a sheet with elevations sketched, a short project statement of "Path A" and "Path B", and a

site plan. Discussion followed about dimensions, the 6-inch overhang, the calculation of usable space, the shoreland zone causing no other possible house location on the property,

complications due to slope, the existing non-conformity of ca.440 sq.ft., an expected decrease in non-conformity with the proposed building giving a credit of ca.330 sq.ft., and the issue of a 50% improvement. Henderson noted the need to agree whether the requested position represents

a setback to the greatest practical extent. Nannen noted the need to balance intrusions into three setbacks (ocean shore, brook, or the adjacent property) and to not create any new non-conforming setback. French stated that the brook shows on the USGS map, so it counts. He then explained that if the reconstruction size were limited it would impact his ability to live there upon retirement or for resale.

Henderson then referred to requirements of Shoreland Zoning Ordinance 10.3.1.1 and 10.3.1.2. It was agreed that the issue of allowed height above grade will be decided upon by the Codes office. Rogers moved to accept the application to move the structure as noted on the property survey dated 5/20/1980 and to accept those proposed setbacks; seconded by Nannen. Since there was only one copy of the plan available with the full, colored proposal drawn in, this one was annotated and signed by Henderson "presented 3/20/2002 to the Harpswell Planning Board" and turned over to the secretary at the close of the meeting, for delivery directly to the Codes office (36 hours later). Issues covered prior to the vote included size of lot, soil, the septic system, removal of vegetation, and the proposal's meeting requirements in the second paragraph of 10.3.2.1. **Carried, 5-0.**

4. Maurice and Pauline Champoux, Reconstruction of a Non-Conforming Structure, Commercial Fisheries, Tax Map 45-95, Guss Gully Road, Harpswell Mill McCarrison and Dave Iannatti, son-in-law, described the site plan and proposal for a 10 x 12-ft. addition, handicapped ramp, and four dormers with small porch/deck and stated that it would not become more non-conforming. Issues reviewed by Board members covered the percentage of the reconstruction, the limit of 50% of the market value (including new roof, new bathroom, new siding and windows), the low valuation vs. market value, total square footage (existing is 790 basement, 790 first, 790 second; proposed differs with 910 on first floor), and whether dormers were a convenience or a necessity. Henderson concluded that the increased volume request of nearly 30% is OK. Papacosma turned to the question of exceeding 50% of the market value and concluded that, due to setbacks, it would not be feasible to relocate the structure. Based upon 10.3.2.1 requirements, it would not become significantly less non-conforming. Nannen explained the Board's broad interpretation of this reconstruction as the only way to deal with this specific situation, according to 10.3.2.2.

Abutter Bob Waddle spoke briefly about the height of the second floor and whether it presently is a full story, Yes; Henderson explained that the definition of floor area does not reflect only usable space.

Henderson moved that the Board approve this application regarding reconstruction of a non-conforming structure in C.F., Tax Map 45-95, noting that the proposed structure meets requirements specified in 10.3.2.1 and having considered factors enumerated in 10.3.2.2 and also 10.3.1, and that the Board finds that the structure meets the setback requirements to the greatest

practical extent, considering the standards enumerated in paragraph 2 of 10.3.2.1. White moved the motion; seconded by Papacosma. **Carried, 5-0.**

Due to the stormy weather and slippery road conditions, item 5 on the agenda (Other Business, regarding discussion of minimum requirements for applications considered by the Board) was postponed until a later date.

The meeting adjourned at 8:25 p.m., after a motion by Papacosma, seconded by Rogers.
Carried, 5-0.

Respectfully submitted,

Kathe Chipman
Acting Recording Secretary